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STATE BAR COURT
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STATE BAR COURT OF CALIFORNIA

REVIEW DEPARTMENT

IN BANK

In the Matter of)	Case No. 17-C-00364
)	
TIMOTHY PATRICK PEABODY,)	ORDER
)	
A Member of the State Bar, No. 134131.)	
_____)	

On June 13, 2018, the Office of Chief Trial Counsel of the State Bar (OCTC) filed a Transmittal of Records of Conviction (Transmittal) of respondent, Timothy Patrick Peabody, State Bar Number 134131. Since respondent has been convicted of violating Corporations Code section 25401 (offering security by means of an untrue statement or omission of a material fact), a felony, it is ordered pursuant to Business and Professions Code section 6102 that respondent be suspended from the practice of law effective July 30, 2018, pending final disposition of this proceeding. (Cal. Rules of Court, rule 9.10(a).) It is further ordered that respondent comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this suspension.

OCTC requested in its Transmittal that we classify a violation of Corporations Code section 25401 as one involving moral turpitude as a matter of law, citing *People v. Simon* (1995) 9.Cal.4th 493, 522. This court has previously classified a violation of Corporations Code section 25401 as a crime which may or may not involve moral turpitude. For example, we take judicial notice of our non-published order filed on October 29, 2015, in *In the Matter of Delbert Joe*

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Joe Modlin (State Bar Case No 14-C-15668) (*Modlin*). (Rules Proc. of State Bar, rules 5.156(B); Evid. Code, section 452, subd. (e).)

Within 10 days of service of this order, OCTC is ordered to file a supplemental brief clarifying its position on the classification of Corporations Code section 25401 in light of *Modlin*, including providing supporting authority so that the State Bar Court record, including the Transmittal of Records of Conviction, is accurate and complete.

Respondent will have 10 days from the service of OCTC's brief to respond.

PURCELL

Presiding Judge

CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Court Specialist of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on July 6, 2018, I deposited a true copy of the following document:

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in a sealed envelope for collection and mailing on that date as follows:

- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

TIMOTHY P. PEABODY
5020 CAMPUS DR
NEWPORT BEACH, CA 92660 - 2120

- ☒ by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

Kevin B. Taylor, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on July 6, 2018.



Ivy Cheung
Court Specialist
State Bar Court